

## **REMARKS**

Reconsideration of the third Office action and forwarding of the present application to allowance are respectfully requested in view of the foregoing amendments and the following remarks. By this response, applicants have amended claims 15 and 19, and have added new claim 20. All of the claims now present in the application are believed to be allowable.

Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McBride (5,458,243) in view of Arden (4,021,583) and Oliver (4,156,516). The examiner states that McBride discloses a multiple stack-tray assembly or kit with many of the features recited in claim 15, and that Arden discloses frozen fruit confections and that Oliver discloses an aperture and process shaping moldable materials. The examiner then concludes that it would have been obvious to modify the assembly disclosed by McBride to produce eatable confections as disclosed by Arden, and moreover, to provide the assembly with instructions as suggested by Oliver. The rejection is respectfully traversed.

Initially, applicants note that claim 15 have been amended to include the limitation that each confection mold tray is provided with a plurality of mold cavities of preselected design formed on the upper surface of each mold tray. That construction is not shown in McBride; moreover, McBride is not even directed to a system or assembly for molding edible confections. Rather, McBride discloses, as shown in Fig. 3, tray elements 12 which are stackable one on top of another and which include partitions, such as indicated at 34, for storing perishable items. There is no disclosure or suggestion in McBride of providing mold cavities of preselected design for receiving

confections which will assume the shape of a mold and harden, for children to eat at a later time. The emphasis in McBride is to provide the trays, as disclosed therein, which are mounted on split-collars or adjustable hose clamps so that the trays may be positioned or separated from one another to permit access to materials stored within the trays.

Claim 19 has been amended also to include the added limitation discussed above with respect to claim 15. In addition, new claim 20 has been added which recites a children's toy for making confections of preselected designs which includes a base platform having an alignment member defined by a vertical support member, a plurality of confection mold trays configured for vertical stacking one on top of another, rotatable about a central axis and configured for being received to engage the alignment member of the base platform through alignment apertures, and a plurality of mold cavities of preselected design formed on the upper surface of each mold tray.

Applicants submit that the application is in condition for allowance, and forwarding of a notice of allowance is requested. If the examiner has any questions or comments, he is invited to call applicants' undersigned counsel at the number below.


**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 13, 2004.

  
Heidi Dutro

Respectfully submitted,

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